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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/021,384 | 10/29/2001 | Stephane Eloy | 1-11-6-1-1 | 2533 |

7590

07/05/2005

Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

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| EXAMINER |
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ADHAMI, MOHAMMAD SAJID

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| ART UNIT | PAPER NUMBER |
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2662

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/021,384 | Applicant(s) ELOY ET AL. | |
| | Examiner Mohammad S. Adhami | Art Unit 2662 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/29/2001</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. It is noted that the Information Disclosure Statement filed on 10/29/2001 indicated that the PTO 1449 consists of two pages, however, only page 1 is of record. If there is actually a page 2, applicant is advised to resubmit it along with copies of any non-patent references listed on it.

Specification

2. The disclosure is objected to because of the following informalities: The filing date of the European foreign application No. 00310068.2 is incorrect. On page 1 line 4 of the Specifications the date stated is November 13,2001, but the actual date is November 13, 2000.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler (US 6,885,650) in view of Kito (US 5,444,698).

Re claims: 1,3-5

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[Claim 1] Schindler discloses a wireless system and a method of operating UTRAN (UMTS Terrestrial Radio Access Network) by time division duplexing, as evidenced by UMTS (Col. 1 lines 29 and 36). [Claim 3]

Schindler additionally discloses a "Node B" that instructs "user equipment" to receive and transmit data (Col. 2 lines 43-47) and a "radio network controller" [Claims 4-5] that instructs Node B and user equipment to receive and transmit data (Col. 3 lines 23-24 and Fig. 1).

Schindler fails to disclose a no-transmit condition in at least one timeslot.

Kito discloses a "no-transmit" condition that is preceded by either an uplink or downlink time slot and succeeded by the other of the uplink or downlink time slot (Column 7 lines 1-4). Schindler and Kito are analogous because they both relate to time division duplex systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schindler to include a no-transmit condition and use a circuit-switched network as taught by Kito in order to decrease the overlap interference and allow an increased cell range.

Re claim 2:

Schindler discloses a frame where the switch from uplink to downlink or downlink to uplink is not the first or last time slot in a frame (Col. 2 lines 33-35),

Re claim 7:

Schindler discloses a circuit-switched network (Col. 1 line 45 and Fig.1).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schindler as applied to claims 1 and 3-5 above, and further in view of Palat (US 6,819,659).

As discussed above, Schindler in view of Kito, meets all the claim limitations, but fails to disclose that the network is a packet switched network. Palat discloses a wireless system including a packet switched network (Col. 2 lines 26-27). Schindler, Kito, and Palat are analogous because they are related to wireless communication. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schindler by substituting a packet switched network for the circuit switched network as taught by Palat because a packet switched network is more robust and uses bandwidth more efficiently.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Benz (US 6,434,128) and Klein (US 6,804,211) are cited for showing user equipment controlled by a Node B, which is controlled by a Radio Network Controller. Additionally, Lindstorm ("Dynamic Link Asymmetry in 'Bunched' Wireless Networks" IEEE 1999) is cited for disclosing a switching point that occurs between the uplink and downlink time-slots in a frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad S. Adhami whose telephone number is (571)272-8615. The examiner can normally be reached on Monday-Friday 8-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571)272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSA

6/24/2005



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